

EEOICP

The Energy Employees Occupational Illness Compensation Program

Developing Claims

Part 2



**U.S. Department of Labor
Office of Workers' Compensation Programs
Division of Energy Employees Occupational Illness Compensation**



Tips for Navigating through this Training

Each training page has embedded links to help you navigate through this training. Additionally, you may review the associated procedure manual or a list of DEEOIC acronyms.

- Procedure Manual tab



- Acronym tab



- Home tab - returns you to the beginning of training module



- Exit tab



- Next tab



- Previous page tab



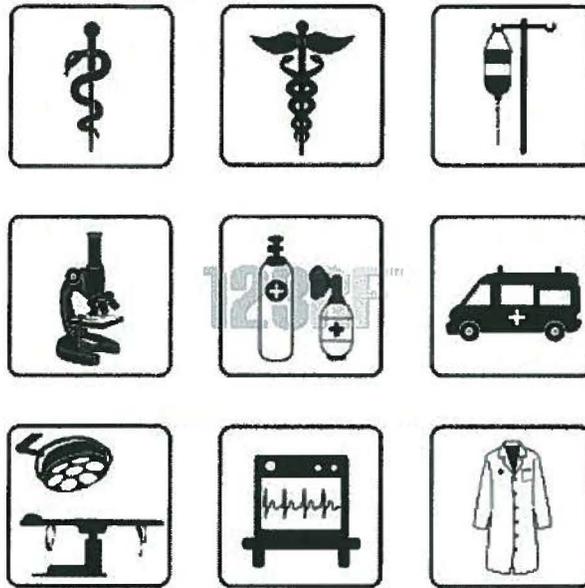
- Page number



Also, links to documents and web pages (hyperlinks) are denoted with blue underlines.



Developing for Medical Conditions

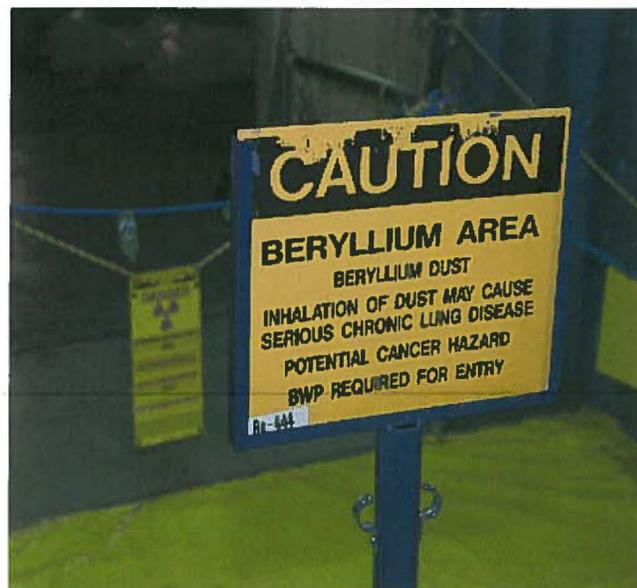


Illness Claim Categories for Part B & E

As stated in the session on Cancers, Part B of the EEOICPA defines accepted illnesses as "occupational illnesses". Part B occupational illnesses are limited to cancer, beryllium sensitivity, **chronic beryllium disease**, **chronic silicosis** and conditions accepted by [DOJ](#) under RECA Section 5. Radiogenic cancer claims under the EEOICPA are adjudicated in two different ways: Special Exposure Cohort (SEC) and Non-SEC/NIOSH.

The EEOICPA defines Part E accepted illnesses as "covered illnesses". Part E covered illnesses include all illnesses accepted under Part B (cancer, beryllium disease, chronic silicosis and RECA Section 5 accepted conditions) along with any other diagnosed condition where toxic substances are shown to be "at least as likely as not" a significant factor in causing, contributing to or aggravating the condition.

Beryllium Sensitivity & Chronic Beryllium Disease



What We will Cover in this Section

- What is beryllium
- What is beryllium sensitivity and how does it develop
- What is chronic beryllium disease and how does it develop
- Employment requirements under Parts B and E
- What are the statutory beryllium vendor facilities
- Pre-1993 medical requirements for chronic beryllium disease
- Post-1993 medical requirements for chronic beryllium disease
- Sarcoidosis and its relationship to beryllium disease
- The Gold Standard for chronic beryllium disease
- Eligibility requirements for chronic beryllium disease under Part E



Acronyms and Terms

CBD	Chronic Beryllium Disease
CAT	Computerized Axial Tomography
CT	Computed Tomography
BeS	Beryllium Sensitivity
DOE	Department of Energy
LPT	Lymphocyte Proliferation Test
LTT	Lymphocyte Transformation Test

Please note the acronym button at the top of this screen for more acronyms.

Beryllium is...

Beryllium is an atomic element that is strong, lightweight and has a high melting point. Because of these qualities, it is used in manufacturing atomic weapons. Beryllium is also used in the manufacturing of golf clubs, dental work, battery contacts and jet engines.

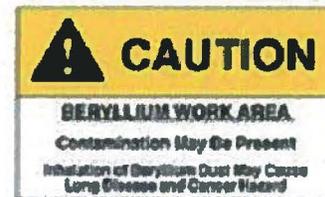
Initially, DOE was unaware of the dangers of working with beryllium. Later, we learned that inhaling beryllium dust, particles, or fumes could have serious health consequences.

Beryllium Metal



Beryllium Disease - An Immunological Response

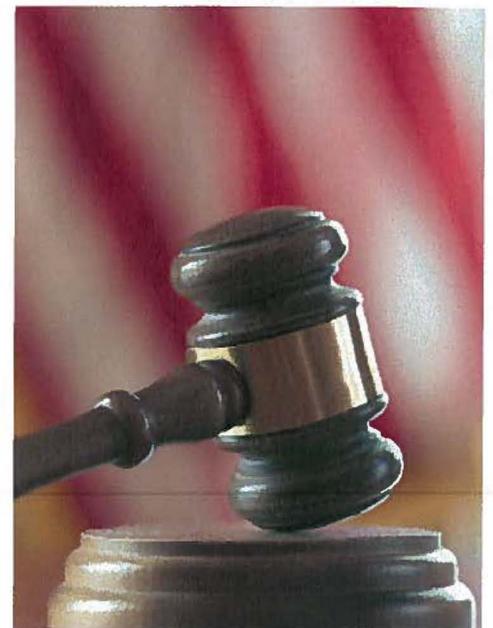
Most people who are exposed to beryllium will not develop a medical problem. However, some people develop immunological responses to beryllium in their lungs, known as beryllium sensitivity (BeS). Usually beryllium sensitivity does not produce symptoms, but a person sensitized to beryllium is at significant risk of developing chronic beryllium disease (CBD). A single exposure to beryllium dust, particles or fumes is sufficient to sensitize a person to beryllium.



Part B Eligibility Requirements for CBD Benefits

To establish eligibility for benefits under Part B, the evidence of record must establish covered employment and a diagnosis of chronic beryllium disease (CBD) or beryllium sensitivity (BeS) that meets the statutory requirements of the EEOICPA.

Next we will look closely at those requirements.



Part B Employment Requirements

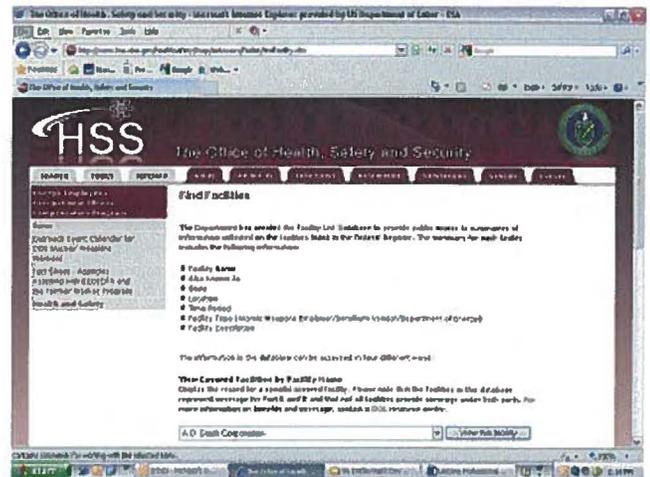
To satisfy employment requirements under Part B, the claimant must establish that the employee worked at least one day at a covered DOE facility or a facility owned, operated, or occupied by a beryllium vendor, a beryllium vendor ([statutory vendor list](#)), or a contractor or subcontractor of a beryllium vendor, during a period when beryllium dust, particles or vapor may have been present at the facility.





Was Beryllium Present at the Facility?

To determine if beryllium was present at a facility use the DOE Facility List Database of covered facilities - found at:
<http://www.hss.energy.gov/healthsafety/fwsp/advocacy/faclist/findfacility.cfm> and the Site Exposure Matrices (SEM).



Look up Hanford at this website and you see this information:
[Hanford page](#)

Part B Medical Eligibility Requirement

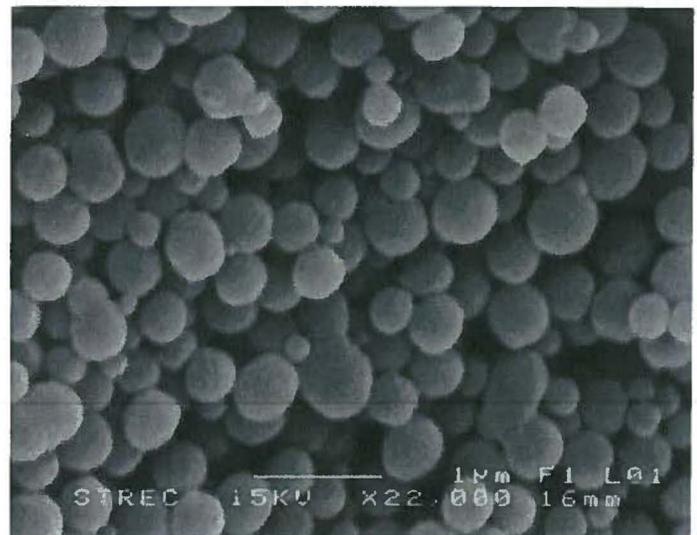
Part B requires specific medical documentation that meets the EEOICPA statutory requirements for the diagnosis of beryllium sensitivity or chronic beryllium disease.



Requirements for a Beryllium Sensitivity Diagnosis

For beryllium sensitivity, Part B requires documentation showing a diagnosis of beryllium sensitivity based on an abnormal beryllium lymphocyte proliferation test (BeLPT) or an abnormal beryllium lymphocyte transformation test (BeLTT). Only a physician can designate a BeLPT/BeLTT test result as abnormal.

Beryllium Dust

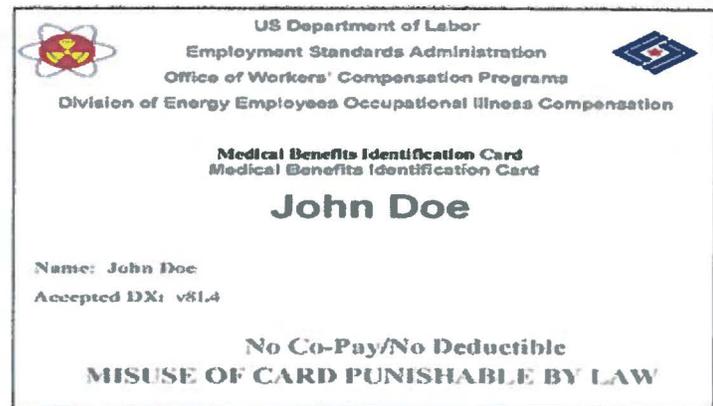


False Negative Results

- If claimant has a history of steroid use, a false negative can result on the BeLPT or BeLTT or beryllium patch test
- If this has occurred you must request they undergo a repeat BeLPT/BeLTT or beryllium patch test
- If claimant is deceased, you should try to obtain as much information as possible on past LPT results and possible steroid use
- If exhaustive efforts produce little or no results and evidence of record contains the normal/borderline LPT result along with a biopsy of lung tissue showing the presence of granulomas, you may accept the claim.

Part B Benefits for Beryllium Sensitivity

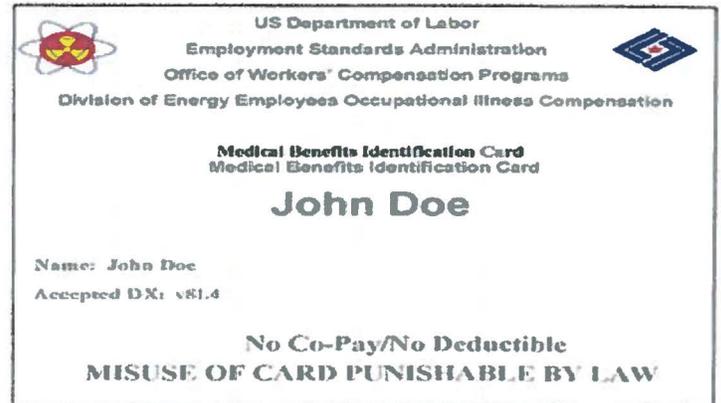
Under Part B, if a covered employee meets the employment and medical requirements for beryllium sensitivity, that employee is awarded medical monitoring, treatment, and therapy for beryllium sensitivity effective as of the date of filing. However, he/she does is not awarded any monetary compensation. If their sensitivity develops into chronic beryllium disease, the employee will need to provide the statutory required evidence of chronic beryllium disease and you will then develop the case for that disease.





Part E Benefits for Beryllium Sensitivity

Under Part E, if a covered employee meets the employment and medical requirements for beryllium sensitivity, that employee is awarded medical monitoring, treatment, and therapy for beryllium sensitivity effective as of the date of filing. Additionally, he/she may receive wage loss and impairment benefits. If their sensitivity develops into chronic beryllium disease, the employee will need to provide the statutory required evidence of chronic beryllium disease and you will then develop the case for that disease.



How Chronic Beryllium Disease Develops

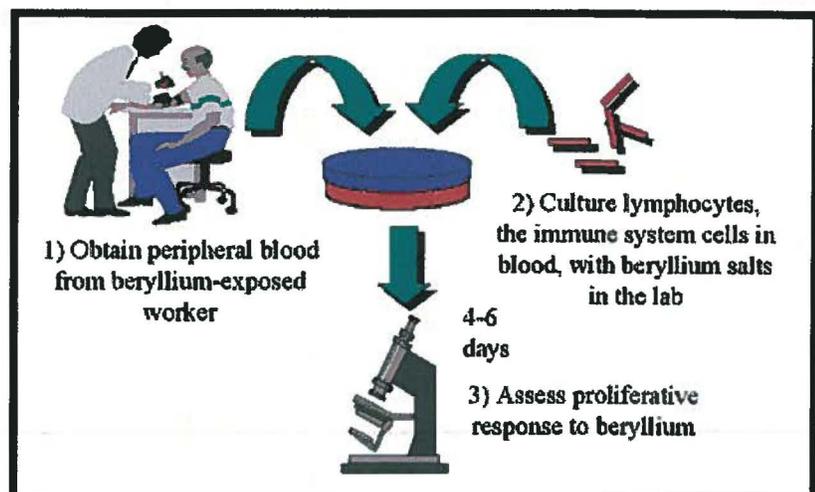
Some exposed individuals develop an immune response to beryllium. Through inhalation of beryllium dust, cells in the blood and lung proliferate. An inflammatory response is initiated, and granulomas and eventually fibrosis develop.



Specific Requirements for a CBD Diagnosis

Lymphocyte Proliferation Test Process

Because the [beryllium lymphocyte proliferation test \(BeLPT\)](#) and [beryllium lymphocyte transformation test \(BeLTT\)](#) were not used until after 1993, chronic beryllium disease has two separate criteria for meeting the statutory diagnosis requirements - Pre-1993 criteria and Post-1993 Criteria. Either criteria may be used for all claims.



Pre-1993 CBD Criteria

The medical documentation must include at least three of the following: (click on each button)

- 1 characteristic chest radiographic (or computed tomography (CT)) abnormalities
- 2 restrictive or obstructive lung physiology testing or diffusing lung capacity defect
- 3 lung pathology consistent with chronic beryllium disease
- 4 a clinical course consistent with a chronic respiratory disorder
- 5 immunologic tests showing beryllium sensitivity (skin patch test or beryllium blood test preferred)

At least one of the documents must show that the claimant received treatment for a chronic respiratory condition prior to 1993.

Post-1993 CBD Criteria

The medical documentation must include: an abnormal BeLPT/BeLTT and one or more of the following: (click on each button below)

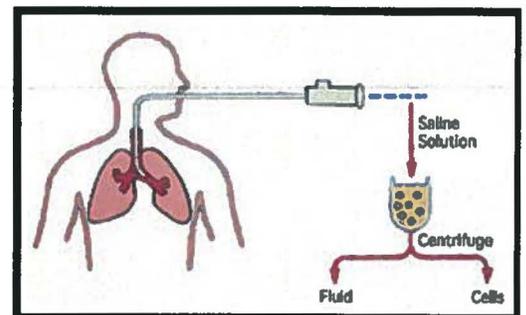
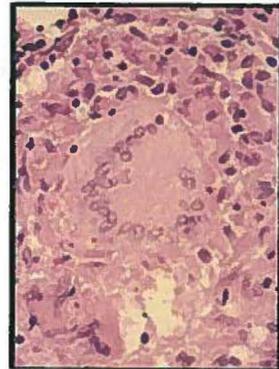
- 1 a lung biopsy showing granuloma
- 2 a lymphocytic process consistent with CBD
- 3 a computerized axial tomography (CAT) scan showing changes consistent with CBD
- 4 pulmonary function or exercise testing showing pulmonary deficits consistent with CBD

Granulomas and “Lymphocytic Process Consistent with CBD”

Granuloma: Loose collection of epithelioid cells with ill-defined zone of lymphocytes.

Lymphocytic Process Consistent with CBD: Patients with CBD usually have bronchoalveolar lavage (BAL) lymphocytosis, which is a percentage of lymphocytes greater than 10%. (Click on the link above for more information.)

Both are significant because they help distinguish CBD from other pulmonary illnesses.



Sarcoidosis and Chronic Beryllium Disease

The hallmark of chronic beryllium disease is the presence of nonnecrotizing granulomas shown on a lung biopsy. Chronic beryllium disease granulomas are [histopathologically](#) indistinguishable from sarcoid granulomas. See PM 02-1000.10 regarding Sarcoidosis.



“Gold Standard” Exception

A lung tissue biopsy is considered the “gold standard” for a CBD diagnosis. You should not deny claims containing a normal or borderline BeLPT/BeLTT without further development if a lung tissue biopsy confirms the presence of granulomas consistent with CBD. However, for a living claimant, before accepting a claim in this manner, contact the treating physician and obtain a detailed narrative report detailing the past history of the claimant’s LPT results. Specifically, the physician should address the past history of positive LPTs and whether there is a past history of steroid use since steroid use may produce normal LPTs.



“Gold Standard” vs. LPTs

If the claimant is deceased, you should obtain as much information as possible on past LPT results and possible steroid use.

If exhaustive efforts produce little or no results and the claim contains normal/borderline LPT results along with a biopsy of lung tissue showing the presence of granulomas, you may accept the claim.

If there is no LPT and lung tissue biopsy confirms the presence of granulomas consistent with CBD, you may accept the claim.

Benefits for CBD under Part B

If a claimant meets the employment and medical diagnosis requirements under Part B, he/she will receive a lump sum of \$150,000. Live employees receive medical benefits for for the treatment of chronic beryllium disease effective as of the date of the claim filing.



Requirements for Part E

For a claimant to receive compensation and/or benefits under Part E when the employee claims chronic beryllium disease, the claimant must provide:

- a diagnosis of chronic beryllium disease (CBD) by a qualified physician
- at least one day of [covered](#) employment where there was the potential of exposure to beryllium
- sufficient evidence to establish that “it is at least as likely as not” that exposure to beryllium during covered employment was a “significant factor in aggravating, contributing to, or causing the illness (chronic beryllium disease).”

Approving CBD under Part E

A Part B final decision approving beryllium sensitivity or CBD is sufficient to establish a diagnosis for Part E causation.

However, it is possible to approve a CBD claim under Part E even if CBD cannot be approved under Part B. The Part B statutory requirements need not be present. You should exhaust all avenues to obtain the statutory medical evidence needed for a Part B acceptance before denying CBD under Part B and accepting CBD under Part E.

Benefits for CBD under Part E

If an employee meets the employment, medical, and causal requirements under Part E, he/she will receive medical benefits for CBD and, if applicable, wage loss and/or impairment. If the employee's death was causally related to chronic beryllium disease, the survivors receive a lump sum of \$125,000 and wage loss benefits in the amount of \$25,000 (lost wages between 10 and 19 years) or \$50,000 (lost wages of 20 years or more).

